

ORIGINAL

(28)

6-13-02  
SC

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

JUN 12 2002

MARY E. D'AMOREA, CLERK  
Per gjs Deputy Clerk

OHIO CASUALTY GROUP, as  
Subrogee of ERIC STAUB  
Plaintiff

v.

J & J INVESTMENT MANAGEMENT  
COMPANY  
Defendant

CIVIL ACTION NO. CV01-0785  
JURY TRIAL DEMANDED

*J. Kane*  
*mj Smyser*

**MOTION FOR CONTINUANCE OF SETTLEMENT CONFERENCE**

J & J Investment Management Company, by and through its Attorneys, Durkin & Abel, hereby moves this Honorable Court for a continuance of the Settlement Conference and avers as follows:

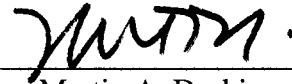
1. This matter is scheduled for a Settlement Conference before the Honorable J. Andrew Smyser on June 14, 2002.
2. This matter has been referred to Judge Smyser at the request of the parties to attempt to facilitate settlement.
3. The Third Party Defendants, Richard Wonders, d/b/a Wonders Construction and Al Budrow, have not responded to the Third Party Complaint and are not yet obligated to do so under the Rules.
4. The parties anticipate that a global settlement can only be reached with the participation of all parties to this action.
5. A Settlement Conference at this time is premature and not likely to result in a resolution of this matter.

6. Plaintiff concurs with this Motion.

WHEREFORE, Defendant respectfully requests that this Honorable Court issue an Order rescheduling the Settlement Conference to take place at a later date.

Respectfully submitted,

By: \_\_\_\_\_



Martin A. Durkin

**DURKIN & ABEL**

1617 John F. Kennedy Boulevard

One Penn Center, Suite 1520

Philadelphia, PA 19103

(215) 569-9090

Attorney ID No.: 37279

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

OHIO CASUALTY GROUP, as  
Subrogee of ERIC STAUB,

Plaintiff,

v.

J & J INVESTMENT MANAGEMENT  
COMPANY,

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**CIVIL ACTION NO.: CV01-0785  
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**CERTIFICATE OF CONCURRENCE**

I, Martin A. Durkin, have conferred with Hayes A. Hunt, Esquire and he concurs with the  
Motion for Continuance of Settlement Conference.

Respectfully submitted,

**DURKIN & ABEL**

By:   
\_\_\_\_\_  
Martin A. Durkin, Esquire

**CERTIFICATE OF SERVICE**

Martin A. Durkin, Esquire, hereby certifies that a true and correct copy of the foregoing Motion for Continuance of Settlement Conference has been forwarded to counsel listed below by telecopier, on the 11th day of June, 2001 as follows:

Hayes A. Hunt, Esquire  
**COZEN AND O'CONNOR**  
The Atrium, 1900 Market Street  
Philadelphia, PA 19103

A handwritten signature in black ink, appearing to read "M. Durkin", written over a horizontal line.

Martin A. Durkin